

respectfully requests that Applicant be given due notice and the opportunity to correct any error.

### **Summary of Prior Office Action**

Claims #1 and #2 were pending in this case. The Examiner has rejected claim 1 under 35 USC 112 as being indefinite. The Examiner has rejected claims 1 & 2 under 35 USC 103(a) as being obvious with respect to Friedman in view of Roccaforte and further Cross. Examiner dismisses Applicants argument of nonobviousness by combining new art of Roccaforte which offers a means for double sealing a FEDEX type package so it can be opened and resent using the same envelop enclosure.

### **Applicant's Response**

Applicant is pleased to be able to offer a compelling argument which combined with the amended and newly filed claims respectfully proposes that the patent application as now filed is allowable as claimed and should be put in line to issue as a published patent.

First, Amends claim #1 to correct indefiniteness and utilizes language which has complete antecedent support as evidenced, for response to Examiner's rejection, on page 6 lines 1-8 of the original filing in this case. That page is attached hereto as attachment #1. Applicant cancels Claim #2 without prejudice and adds new independent claims #3 and #4 which Applicant requests be renumbered claims #2 and #3.

### **Rejection under 35 USC 112-Indefinite**

Please refer to the amended claim language and the attachment #1 in which the tabs are explicitly called out on the lines identified. It is clear that one of the tabs is on the top of the pocket pattern and the other on the bottom as explicitly shown in the drawing. Using language to distinguish the tabs which are each numerically marked to be unique is definite representation based on the specification as originally supplied in the first pending application in this case. The language to refer to the base panel and

it's relationship to the relevant closure structures for forming pockets have been amended to be definite references using specifically the labels for the parts from the original specification filed in this case. Applicant respectfully traverses the objection that the claims are indefinite and requests that the claims as now filed be allowed.

#### Rejection under 35 USC 103

Applicant sincerely appreciates Examiner's disclosure of the patents provided as prior art. Examiner relies on Friedman as the primary case and uses Friedman in combination with Cross and Roccaforte. First, Applicant wants to point out that Cross would not be required according to the Examiners argument on obviousness as proposed because Friedman has a corner tab of Cross. Second, Applicant respectfully states that he see's no teaching in Roccaforte which in any way relates to Applicant's claimed invention and therefore combining Roccaforte with Friedman does not in the Applicant's argument create grounds for obviousness. The closed edge of Roccaforte is not a pocket and never becomes a pocket and is always closed on four sides or otherwise open when and if in transit and being reused. But more importantly, Applicant respectfully offers a different point of view about Friedman that suggests the Examiner's use of Friedman having recombined parts to make Schwartz is not basis for an obviousness rejection. Please look at Friedman and note that Friedman is completely closed along one edge by an external binding structure. This means that Friedman cannot stand alone and perform as the Applicant's invention does when unattached to a ring. Friedman suggests his open end can be closed by alternative means but even in this case, Friedman does not teach Schwartz because Friedman does not have and does not teach a BINDING REGION as an integral portion of an enclosed pocket. In the drawing of Friedman, in order for Friedman to work as if it were a book binding pocket, a BINDING REGION would necessarily have to be disclosed along the BOTTOM END of Friedman. However, Friedman's pocket is a gravity drop stasher in which no binding region is disclosed or functionally significant in how his pocket is designed to be filled and used. Papers are simply stashed and fall to the

bottom and are not turnable as a book NO MATTER HOW you recombine Friedman recognizing that Friedman's disclosed wires are simply a closure means for his pocket and not a binding zone. You will note that Schwartz is always closed along his binding region edge and that the rings are a non-interfering entry into a specially separated section of the Schwartz pocket that Friedman NEVER teaches or discloses.

Schwartz also claims that a BINDING REGION as disclosed in Schwartz is indeed NOT OBVIOUS on its own merits. This argument is based on the following expert reaction to the pocket in a live video in which the Pocket was being TAUGHT to other teachers that are skilled in the art of pockets and organizing structures. Applicant refers the Examiner to the URL identified in Attachment #2 which provides for the excerpt of a candid quick time video showing the Book Bindings unobvious features being demonstrated.

The URL is in the attachment and is retyped here for reference:

**<http://www.bookwindows.com/pVIDdl.hillside.doc.html>**

simply copy this url into your web browser and hit return to watch the 3 minute video clip. This is a quicktime video and should play well over any high speed connection as it is a medium resolution digital video file. Please review the explanation of the teacher and student teacher interaction below for further clarification of the student teacher's question and the teacher's response.

In this video which Applicant requests Examiner watch(less than 3 minutes), the instructor is showing the pocket and the student teacher after looking at the demo still asks if the pages inserted need to be three hole punched to use the pocket! The instructor then goes on to explain how the binding region operates to prevent the need to three hole punch papers and still be able to insert them into the pocket and turn the pages AS IF they were attached at the rings. This is the clearest evidence that the feature of the Binding region yields and unexpected an novel benefit that is not recognized at first observation. Applicant respectfully asks Examiner as an expert in the art to consider her continued line of reasoning about Friedman in light of

the fundamental notion of BINDING REGION as claimed by Schwartz, and respectfully requests she traverse her objection and that the objection on the basis of obviousness be traversed and that this case be allowed to issue as the claims are now filed.

Applicant repoints out that Applicant's claim positively recites a "viewing feature" of applicants invention which is not enabled in Friedman nor in Cross and in no way by combining Roccaforte with either of the above two mentioned patents. Applicant continues to hold that Applicant's patent teaches in a different direction than either Friedman or Cross, and that Applicant's invention as now claimed not only provides a novel structure but a novel application with unexpected and unobvious benefit and a new advantage that flows naturally from following the novel combination and unique structure which is not either suggested or possible using any of the prior art alone or in combination. Applicant has captured explicit unsolicited video commentary from a teacher using the BookBinding Pocket that demonstrates that Applicants unique Binding Region is not obvious. Applicant respectfully asserts that the invention as now claimed is the basis for patentability where the differences claimed are definitely claimed with proper antecedent basis and are not obvious with respect to the prior art cited either alone or in combination.

**Preliminary Amendment/including summary response to last OA**

Applicant herewith amends Claim#1 to make it definite and comprehend antecedent basis. Applicant requests that the Examiner carefully review all the arguments which the Applicant has made and the ones of the Examiner that the Applicant has traversed. Applicant has clearly pointed out that Friedman does not teach in the direction of Schwartz and that recombining Friedman with either Roccaforte or Cross does not produce Schwartz. Applicant acknowledges Examiner's remarks about binders, whether three ring or wire, and although Schwartz is shown for a 3 ring binder, Applicant restates that Schwartz does not rely on the wire of Friedman for closure. Applicant holds to the position that for obviousness the Examiner requires

that one skilled in the art not only decide that the Friedman structure should be rearranged, and that the Friedman structural elements be resized in a novel manner, but that it is to be used with an alternative form of closure, that being a closure formed WITH a BINDING REGION. These words are capitalized for emphasis so that the Examiner is pointed to the novelty and unobviousness of Schwartz over the cited art. In order to back up this position that making this number of leaps of application specific knowledge negates obviousness, applicant includes yet another video clip by reference to his website where one skilled in the art, a teacher that has instructed in organizing and has held responsibility for this application both in terms of teaching and procuring product at the school shown, makes the discovery by question of the significance of the binding region of the Applicant's invention. Applicant continues to hold that it does not follow naturally from Friedman's application to "do schwartz" and that suggesting the differences would then be obvious is relying on an "Escher like" form of circularity. Applicant continues to hold that Friedman does not teach Schwartz, the benefit of Schwartz does not flow from Friedman, whether in combination with an envelop with two closure means as in Roccaforte, or Cross with his four cornered "desk blotter". Neither Friedman, Cross, or Roccaforte employ and utilize the combination of Schwartz which is formed by a band closed on three sides comprising a margin section for holding a page edge with uniform pressure along its full length AND a region for binding, and opposing corner capture means. Applicant is patentable over Friedman due to novelty, in particular, the use of a distinctly claimed Binding Region which is fundamentally different than the use and purpose of Friedman's closure structure, and respectfully points out for no less than the 5th time that the two inventions teach in different directions, and that Applicants invention relies on patentability based on novel and unexpected behavior for a structure previously not disclosed in the prior art i.e. said binding region, SEE VIDEO and further, by using a combination which is a result of his specific and different application, achieves patentability over Friedman in view of Cross. Cross teaches solely a diagonal corner set for a free floating paper holder and does not envision the

novel binding margin of Schwartz, does not teach it, and does not show any means for allowing papers to turn by releasing both diametrically opposing corners. In fact, if the upper and lower 18 on a side are released and a loss leaf turned, it will release from the opposing side since the two corners have no way to hold the sheet securely by themselves.

In a crowded field of art such as this, Applicant respectfully argues that these differences, in fact their novel combination, are sufficient to render the claims as now amended and refiled, patentable over Friedman, Cross, or Friedman in view of Cross and Friedman in view of Roccaforte.

Applicant further holds that on the basis of commercial value and high speed manufacturability and low cost and value in its application, Applicant's application has established a niche which has not been exploited and this aspect of commercial value should enable his invention to be considered for allowance.

Anyone skilled in the art would recognize that Friedman is not practical due to limitations in manufacture, because Friedman can not be made into a wire bound notebook as he presents it in it's preferred embodiment, automatically on high speed wire book making equipment. Applicant has pointed out that even if it were possible to automatically assemble Friedman at high speed, Friedman would be generally unusable for the following reason. Pockets are typically provided in a notebook to hold the standard sized papers contained in that notebook. Please note that if Friedman's notebook were provided with papers that were perforated for removal and insertion into the Friedman Pocket, the height would be the same as the dimensions of the predetermined height as measured from the bottom of the pocket to the top of the pocket. That would not allow for more than a couple of papers to be inserted due to the lack of room employed. It is for this reason that there is no commercial embodiment of Friedman in the market today, but solely pockets known as stashers, which use solely the bottom pocket of Friedman and rely on the very wide, half page dimensions of the Friedman pocket, to hold anything securely. Applicant respectfully suggests that if one skilled in the art were to look at Friedman in light of existing

commercial products known as stashers, commonly used in wirebound notebooks which close a bottom half page pocket along one edge with a wire, that Friedman would not itself be patentable.

Applicant has amended his claim #1 and resubmits # 1 and #2 herewith, respectfully traverses Examiner's rejection under 35 USC 103 and requests that the claims as now presented be allowed and permitted to publish with this case in due course. Applicant respectfully submits that the claims are allowable as filed in that they represent an invention which is unique with respect to all prior art and provide an invention that offers novel and unexpected behavior in an otherwise crowded field.

---->>>>The VIDEO clip clearly demonstrates the unobviousness of this invention.

The ability to hold papers in any type of binder with out having to punch the papers in some manner in order to store them, where the front most paper can be written on well in excess of 95% of it's visible surface, and where the right hand edge of all the papers can be removed, the pages turned with out being released, or resorted and stored for future assess has not been available previously in the market. The write on feature, the page turning feature, all provided in a form which is easily manufactured at low cost on high speed folding and gluing equipment is a commercial contribution to the stationery products market that holds great benefit to consumers, especially students needing to get organized as shown and demonstrated in original video footage on file and on our web site at [www.bookwindows.com](http://www.bookwindows.com) and referenced by sample in prior filings, as well as a clear demonstration of the unique structure in the product page of the website.

As previously stated in our last response, please rename this application as it is submitted here in- " Binder view pocket".

Regarding the claims:

Please enter claim # 1 as amended below, please cancel claim # 2 without prejudice, and please enter claims # 3 and 4 as proposed below. Please examine these amended and new claims. Applicant holds that the claims as now filed carefully call out the invention with proper antecedent basis for both clarity and definiteness. Applicant respectfully traverses the Examiner's objection to patentability on the basis of obviousness and proposes that the invention as claimed is unobvious with respect to the prior art cited, alone or in combination.



Amended Claim #1

-- 1. A pattern for constructing a binder pocket for a ring binder, for viewing leaves which may be held within by using a book like page turning operation, said binder pocket pattern, therefore a book binding pocket pattern, said book binding pocket pattern formed from a single sheet of flexible, foldable material, for making a pocket comprising a band pocket and at least one opposing corner pocket, for holding a leaf having a set of perimeter features including opposing top and bottom height edges and opposing side width edges, a predetermined height, a predetermined width, said leaf further comprising a margin portion along one of said width edges as well as a face surface for writing on, said book binding pocket comprising:

a base panel, having a substantially rectangular shape, having perimeter and structural features including opposing corners, opposing height edges, opposing width edges, said opposing width edges comprising a book edge and a corner binding edge, said base panel having a band portion, a base portion, and at least one corner tab portion, and further having a band edge substantially side by side with and parallel to said book edge and forming the outer most side edge of said base panel, said band having an inner and outer edge, where in said outer band edge is coincident with and co-linear with said book edge, for forming a closed outer edge of said band pocket, said base panel having a predetermined base panel height, and a predetermined base panel width between said book edge and said opposing corner binding edge, said predetermined base panel width being said pocket width,

said base panel [further] having a book binding structure formed along said book edge wherein, said book binding structure comprises a band pocket formed on said book edge, said band pocket having dimensions including a predetermined height and a predetermined width said predetermined width substantially comprised of the sum of a binding region [of said book binding structure] and a margin portion;

where in the width of the margin portion is substantially the width of the margin portion of a leaf to be held within, said predetermined height substantially spanning said [book edge]predetermined base panel height, for holding said margin

portion of said leaf thereunder;

and where in said binding region is longitudinally co-linear with said book edge and has a width substantially the difference between said base panel width and said predetermined width of a leaf to be held within said book binding pocket, which predetermined leaf width is less than said base panel width, said binding region being comprised of symmetrical portions a first portion in said band portion of said base panel and a second portion in said base portion of said base panel on either side of said book edge, said each portion having a plurality of symmetrically opposing holes therein which holes align each one with the other when folded over and coincident one with each symmetrically opposing other one, for engaging a ring for holding said book binding pocket in a ring binder of which it may become a part,

said band [being closed along three sides and] further having perimeter features including opposing top and bottom ends, [a top tab portion attached at said top end, a bottom tab portion attached at said bottom end], and opposing inner and outer edges, wherein said inner edge is coterminous with said base panel book edge for forming one closed side of said book binding structure, said base panel being further comprised of a set of opposing tabs formed along a portion of said base panel top and bottom edges and forming an integral part of said book binding structure, where in said top tab is for attaching said base panel to said top band edge and said bottom tab is for attaching said base panel to said bottom band edge for forming said band pocket of said book binding structure and for securing the second and third closed edges of said band pocket ~~{said band being attached to said base panel along a first coterminous edge formed by said book edge of said base panel and said outer edge of said band, said band further being attached to said base panel along said top end and said bottom end wherein said top tab is attached to said base panel and said bottom tab is attached to said base panel thereby forming a band closed on three sides, said three closed sides of said band being formed by said first coterminous edge, and said two tab closures where said band is attached to said base panel along said top end and said bottom of said band and said bottom end of said base panel by~~

~~means of said top and said bottom tab portions, where said top band end is permanently attached by said top tab structure to said base panel, said attachment forming a permanent closure between said base panel and said band top end and further, said band is permanently attached at said bottom end by means of said bottom tab structure, said attachment forming a permanent closure between said base panel and said band bottom end,}~~ such that when said band is folded over for forming said band pocket, said top tab permanently attaches said top band edge to said top base panel edge and said bottom tab permanently attaches said bottom band edge to said bottom base panel edge, thereby [for] forming a first enclosed band pocket between said band and said base panel, said first enclosed pocket so formed being open along said inner edge of said band and comprising a non-interfering binding region for allowing said pocket to be held in a ring binder by a ring which may be attached through said symmetrically opposing holes, while at the same time holding any leaf which may be inserted there in, such that when said pocket is attached to a ring and said leaf is inserted therein, said leaf is held at said band pocket end without said leaf, itself, being attached to said ring, [and wherein, said first enclosed pocket further comprises a binding region comprising a plurality of holes set a predetermined distance from said book edge, said plurality of holes further being placed a predetermined distance from said corner pocket edge, such that when a leaf is placed in said book binding pocket with a first edge of said leaf substantially coterminous with said corner pocket edge, said predetermined distance of said plurality of holes from said corner pocket edge is greater than said predetermined width of said leaf for holding, said book binding pocket further comprising],

said at least one corner tab portion for forming at least one of a top and a bottom corner pocket[s] said each of said top and bottom corner pockets formed on adjoining corners of said base panel along said corner pocket edge, said at least one corner tab portion having perimeter features including three edges wherein [including] two of said three edges are adjacent edges attached to said base panel at one of said corner pocket ends, said each of said two adjacent edges having dual overlapping

portions for forming a corner pocket such that when said one of said dual overlapping portions is permanently attached to said other of said dual overlapping portions, a corner pocket is formed thereunder, said corner pocket having [and] an open lip edge [there between] for [forming] receiving a corner of a leaf to be held thereunder when a leaf is placed into said book binding pocket, each corner pocket when formed being closed along said two adjacent edges and open along said open lip edge,

such that when said book binding pocket is formed by folding over and attaching said top tab from said top band to said top base panel, said bottom tab from said bottom band to said bottom base panel, and by attaching at least one set of said dual corner tabs of said at least one corner pocket one to the other, and when said book binding pocket so formed is held by one or more rings engaged in said binding region, and further [said] a leaf [for holding in said book binding pocket] is inserted [therein] in said book binding pocket with the margin portion of said leaf inserted under said band pocket, and at least one corner of said leaf inserted under said one of said each of said corner pockets for holding, [with the edge of said leaf opposing said margin edge of said leaf, tucked into at least one of said corner pockets, with said leaf edge opposing said leaf margin edge substantially adjacent said corner pocket edge,] said leaf margin edge is contained under said band portion of said band pocket, with said plurality of holes remaining unobstructed by said margin edge of said leaf, [said plurality of holes thereby permitting attachment there through to a host ring,] such that said leaf when so attached, has secure entry in said book binding pocket within said book binding structure and at least one of said corner pockets, with said leaf face surface substantially exposed and accessible for direct writing, and when said at least one corner is released from said corner pocket, for turning as a page in a book [from the edge opposing the leaf margin edge when such edge is relieved from said corner pocket,] said band pocket retaining said margin portion of said leaf with uniform pressure along said full margin portion, and further readily permitting [for] continuous shuffling and reshuffling of one leaf below the next into the book binding pocket without having to open the rings [of a binder] when said booking binding pocket